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MUCH HAS CHANGED: DIVERSITY AND OPPORTUNITY AT THE UNIVERSITY OF IDAHO COLLEGE OF LAW

Donald Burnett

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In legal education, diversity and excellence go together. As noted by Justice Sandra Day O'Connor, writing for the Supreme Court majority in *Grutter v. Bollinger* (the Michigan law school case):

[C]lassroom discussion is livelier, more spirited, and simply more enlightening and interesting when the students have the greatest possible variety of backgrounds.... [N]umerous studies show that student body diversity promotes learning outcomes, and better prepares students for an increasingly diverse workforce and society, and better prepares them as professionals.... These benefits are not theoretical but real, as major American businesses have made clear that the skills needed in today's increasingly global marketplace can only be developed through exposure to widely diverse people, cultures, ideas, and viewpoints.¹

Achieving excellence with diversity has been a challenge at the University of Idaho, given our location and the demography of the region. In 1999, when a panel of consultants examined strategic directions for the College of Law, the panel noted that "[o]nly 26.4% of the student body is female, the lowest percentage of women found in any law school in the country, and only 4.1% of the student body comprises racial and ethnic minorities. Four of the 13 tenured or tenure track faculty are women but there are no minorities among the faculty or professional staff."²

Much has changed—for the better—in the years since those words were written. The representation of women in our incoming classes climbed to 40% by 2005, then to 49% in 2006 and 49.5% in 2007. The average for all American Bar Association-accredited law schools was 46% in 2006, the most recently reported year.³ The representation of minority students also increased during the same period, reaching 12% in 2005, 17% in 2006, and 19.6% in 2007. The average for all ABA-accredited schools was 22% in 2006.⁴

Contrary to popular opinion in some quarters, advances in diversity do not diminish a commitment to quality; to the contrary, they reinforce it. During our recent period of growth in diversity, the LSAT scores for all law students have increased. The median score rose from 153 in 1999 to 155 in 2007, the 25th percentile rose from 149 to 151, and the 75th percentile rose from 156 to 159. (These are significant movements within the compressed spectrum of LSAT scores.) Moreover, during this period, Idaho residents have continued to be strongly represented among the incoming students. The percentage has remained fairly stable, usually about 60%, and actually reached 64.5% in 2007.

What are the reasons for these advances in diversity and quality? There are many, of course. One contributor has been an increase in scholarship grants, making the College of Law more accessible and attractive to all students. Due largely to our generous alumni and friends, the total amount of grants has increased from \$256,028 in fiscal year 1999 to \$697,711 in fiscal year 2007. Equally important to our progress has been the phenomenon that "success breeds success."

An institution making advances in diversity and excellence attracts attention from a broader array of potential students—not only from those in underrepresented groups, but also from "majority" students who realize, as Justice O'Connor observed, that an education enriched by diversity will enhance their preparation for the legal profession.

Another vital factor, noted by the 1999 strategic directions panel, is diversity among the faculty and professional staff. Since 1999, the number of women holding tenure or tenure-track faculty positions has increased from four to six (including a new hire who will begin work in 2008). In addition, three of the six faculty members holding "instructor" positions are women. Racial and ethnic diversity on the faculty has increased from zero in 1999 to two members of the regular teaching faculty (including our new hire) plus a member of our law library faculty. Diversity within the professional staff—zero in 1999—is now reflected in four women and one minority member who have J.D. degrees and hold full-time professional staff positions.

Diversity and excellence are also expressed in special lectures and programs. For example, four of our recent Bellwood lecturers have brought diversity to this important annual event: Justice Ruth Bader Ginsburg, national Legal Services Corporation executive director Helaine Barnett, Justice Alan Page of the Minnesota Supreme Court, and Equal Justice Initiative executive director Bryan Stevenson. Recent commencement speakers have included Deborah Leff, president of the Public Welfare Foundation and past director of the John F. Kennedy Presidential Library, as well as Chief Justice Linda Copple Trout of the Idaho Supreme Court. In 2005 the College of Law cosponsored the Idaho State Bar's landmark program honoring and celebrating Idaho's "first fifty" women admitted to the bar.

The College also has been blessed with talented student leaders and active student organizations that demonstrate the value of diversity. In each of the last four years, students have elected women to serve as presidents of the Student Bar Association – a position of executive responsibility within the College and of important influence in the governance of the University. Organizations such as the Women's Law Caucus and the Multicultural Law Caucus have been joined in recent years by the Sexual Orientation Diversity Alliance and the Support Advocates for Hispanic/Latino Support and Awareness in contributing to a positive learning environment for all students. They are complemented by organizations such as the Federalist Society, the J. Reuben Clark Society, and the Public Interest Law Group in providing a diverse array of viewpoints and service opportunities.

Students entering the University of Idaho College of Law have always been welcomed into a distinctively collegial community. Today, this collegiality embraces diversity in all its forms, including a wide-open appreciation for multiple perspectives and backgrounds. Idahoans can be proud that their law school links excellence with diversity, providing a complete education and genuine opportunity for all.

ABOUT THE AUTHOR

Don Burnett, a Pocatello native, is the Dean of the University of Idaho College of Law, a former member of the Idaho Court of Appeals, and a former President of the Idaho State Bar. Further information about the College of Law is available at <http://www.law.uidaho.edu>.

ENDNOTES

¹ 539 U.S. 306, 330 (2003) (internal quotation marks and citations omitted).

² Frank T. Read, *et al.*, "Strategic Directions in Legal Education for Idaho: The Report of a Special Panel Appointed by the President of the University of Idaho (January 8, 2000)," published in *The Advocate* (June 2000), 15, 21.

³ ABA data on law school admissions and other aspects of legal education may be obtained on-line at <http://www.abanet.org/legaled/statistics/stats.html>.

⁴ *Id.* Diversity in Idaho's legal profession is also rising. The percentage increases are smaller than the percentages for law school enroll-

ments, primarily because recent graduates comprise a relatively small fraction of the total membership of the bar. Membership surveys conducted by the Idaho State Bar in 1994, 1999, and 2007 show steady growth in the representation of women: 15% in 1994, 20% in 1999, and 26% in 2007. Changes in racial and ethnic diversity have been slower and less steady: 3% in 1994, 6% in 1999, and 5% in 2007. Further information about the membership surveys can be obtained directly from the Idaho State Bar.


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